

Establishment – C.A.F. & C.S. Department – Civil Supplies – Sri Syed Habeebuddin, Assistant Supply Officer (Retd) – Notional Seniority and promotion in the cadres of Assistant Supply Officer and District Supply Officer – Permission – Accorded – Orders – Issued.

G.O.Rt.No. 113

Dated: 03-11-2011

Read the following:-

1. From the Commissioner of Civil Supplies, AP, Hyderabad, Procds.No.380/2003, dt: 3-9-2003.
2. G.O.Rt.No.8, C.A.F.& C.S.(VS) Dept., dt: 23-1-2006.
3. G.O.Rt.No.150, C.A.F.& C.S.(VS) Dept., dt: 21-12-2006.
4. From the CCS, Hyderabad, Ref.No.Admn.I(1)/1052/2010, Dt: 31-5-2010.

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In the reference 4<sup>th</sup> read above, the CCS, AP, Hyderabad has reported that Sri Syed Habeebuddin, Assistant Supply Officer (Retd), while he was working as Superintendent in the Office of the ASO, Circle-III, Hyderabad; has committed certain irregularities in connivance with the Fair Price Shop dealer in bringing bogus cards in circulation, therefore he was awarded a major penalty of stoppage of two annual grade increments with cumulative effect in the reference 1<sup>st</sup> read above and the period of suspension was treated as leave to which he was eligible as on the date of revocation of suspension order.

2. Aggrieved by the said punishment, Sri Syed Habeebuddin, former DT(CS), Guntur District, has filed an appeal, dated 30-12-2003 before the Government. Government have rejected his appeal vide Memo.No.3878/VS/2003-4, dated: 27-6-2005. Subsequently, he has filed mercy petition on 25-8-2005 before the Government requesting to drop the charges and acquit him of all the charges. On the mercy petition of Sri Syed Habeebuddin, DT (CS), the Government have issued orders vide G.O.2<sup>rd</sup> read above treating the same as second review petition under Rule 40 of A.P. Civil Services (CC&A) Rules, 1991 and set aside the orders of Commissioner of Civil Supplies and the penalty awarded in the procds. 1<sup>st</sup> read above.

3. Subsequently, Sri Syed Habeebuddin has filed a representation before the Government, with a request to regularize the suspension period from 20-7-1986 to 06-07-1989 as "on duty". This plea was rejected by Government, vide Memo.No.186/VS/2006-1, dated: 28-02-2006. The individual has again filed review petition dated 03-03-2006 before Government for regularization of suspension period as "on duty". On the representation, orders were issued in G.O.3<sup>rd</sup> read above treating the suspension period of the individual from 20-07-1986 to 06-07-1989 as a period spent on duty for all purposes under FR 54-B(1)(b).

4. Sri Syed Habeebuddin was promoted to Deputy Tahsildar (CS) cadre on 7-6-1982. His immediate junior in DT (CS) cadre in CRO's Unit is Sri M.Bharat Reddy, DSO, who was promoted to DT (CS) cadre on 7-6-1982, and to Assistant Supply Officer cadre on 4-4-1989 and also to District Supply Officer cadre on 8-4-1993.

5. The case of Sri Syed Habeebuddin, ASO (Retd) for his notional promotion in higher cadre, on par with his immediate junior, viz., Sri M.Bharat Reddy was placed before the review DPC for its recommendation on 13-7-2009. The DPC has met on 13-7-2009 and recommended that Sri Syed Habeebuddin, ASO (Retd) shall not be given notional seniority and promotion in Assistant Supply Officer / District Supply Officer cadre on par with his junior Sri M.Bharat Reddy,

as the charges are not dropped on merits but only on mercy grounds. Aggrieved by this, he has filed OA No.862/2010 before Hon'ble APAT, Hyderabad. The CCS has reported that while disposing the O.A.No.862/2010, the Hon'ble APAT, vide its order dated 6-4-2010 has issued orders directing the Government / CCS, that the pensionary benefits of the applicant, which are already fixed are to be re-fixed notionally, w.e.f. 4-4-1989 in the cadre of ASO and w.e.f. 8-4-1993 in the cadre of DSO. The individual has filed CA No.1220/2011 in OA No.862/2010 before the Hon'ble APAT for not implementing the Hon'ble Tribunal's Orders, dated 6-4-2010 in OA No.862/2010.

6. The case of Sri Syed Habeebuddin, ASO (Retd) was placed before review DPC by CCS for review on 20-5-2010 and the DPC, which was met on 20-5-2010, has recommended that Sri Syed Habeebuddin, ASO (Retd) shall be assigned notional seniority in ASO cadre w.e.f. 4-4-1989 and notional promotion in DSO cadre w.e.f. 8-4-1993 on par with his immediate junior, Sri M.Bharat Reddy, DSO (Retd). As directed by Government, the CCS, AP, Hyderabad has issued show cause notices to the affected parties in the matter and certain objections were received stating that the disciplinary case against Sri Syed Habeebuddin was dropped on his mercy petition but not on merits of the case; settled seniority cannot be unsettled; not impleaded the affected officer in the OA, etc. On these objections, the Department has observed that it is the right of the employee to ask notional seniority, when disciplinary case was dropped. The disciplinary case was dropped without any conditions and not with mercy, though the petition was titled as mercy petition. The plea that they were not impleaded in the court litigation is not in the purview of the Government. The objection that their interest should not be affected is cannot be accepted, as the juniors will be demoted automatically, if necessary, when the junior was given notional seniority.

7. The Government, after careful examination of the report of the CCS, Hyderabad, hereby accord permission to him to reject the objections raised by the juniors (to Sri Syed Habeebuddin) and to assign notional seniority and notional promotion to Sri Syed Habeebuddin, ASO (Retd) in ASO cadre, w.e.f. 04-04-1989 and in DSO cadre, w.e.f. 08-04-1993 on par with his junior, viz., Sri M.Bharat Reddy.

8. The Commissioner of Civil Supplies, A.P., Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARPREET SINGH  
E.O. SECRETARY TO GOVERNMENT

To

Sri Syed Habeebuddin, ASO (Retd), Medak Dist., through the  
Commissioner of Civil Supplies, A.P., Hyderabad.

Copy to the Commissioner of Civil Supplies, A.P., Hyderabad.

Copy to effected parties through the Commissioner of Civil Supplies, AP,  
Hyderabad.

SC / SF.

// FORWARDED BY ORDER //

SECTION OFFICER